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**FILED**

JUN 25 2010

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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10 Attorneys for Defendant  
11 CITY OF EAST PALO ALTO

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

16 PALO MOBILE ESTATES ASSOCIATES, a ) CASE NO: 4:07-03601 PJH  
17 California limited partnership, )  
18 Plaintiff, ) **STIPULATION TO CONTINUE CASE  
19 v. ) MANAGEMENT CONFERENCE;  
20 CITY OF EAST PALO ALTO, a municipal ) [PROPOSED] ORDER  
21 corporation; DOES 1 through 10, inclusive, ) Superior Court Action Filed: June 12, 2007  
Defendants. ) Removed to Federal Court: July 12, 2007  
 ) Trial Date: None Set**

23 WHEREAS, the Court has stayed this matter at the request of both parties pending the outcome  
24 of the concurrent petition for a writ of mandate in the San Mateo County Superior Court (“Case No.  
25 CIV 467731”);

26 WHEREAS, whereas Case No. CIV 467731 sought a writ compelling the City of East Palo Alto  
27 ("City") to vacate Ordinance No. 305, which imposed certain conditions on mobilehome park  
28 conversions from rental-only facilities to resident ownership pursuant to Government Code section

1 66427.5 within the City;

2 WHEREAS, the San Mateo County Superior Court entered a writ in Case No. CIV 467731 on  
3 June 24, 2008 ("Writ");

4 WHEREAS, this action seeks damages related to the City's adoption of Ordinance No. 305 and  
5 its effect on plaintiff Palo Mobile Estates Associates' ("PME") application to convert its mobilehome  
6 park from a rental-only facility to resident ownership pursuant to Government Code section 66427.5  
7 ("Application");

8 WHEREAS, the City, through its City Council, approved PME's final map, thereby conferring  
9 final approval on the Application, on April 20, 2010;

10 WHEREAS, this Court continued the Case Management Conference set for June 3, 2010 to July  
11 1, 2010 to allow for settlement negotiations after the City's final decision on PME's Application;

12 WHEREAS, City has presented PME with its initial opinion regarding liability and PME is  
13 preparing a response to fully address the possibility of settlement and therefore the parties are now in  
14 the midst of settlement discussions;

15 WHEREAS, Counsel for PME Thomas Casparian will be on vacation from August 16 through  
16 20;

17 WHEREAS, Counsel for the City Benjamin Fay will be on vacation and travelling out of the  
18 country and the state from July 29 through August 19;

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1 ACCORDINGLY, IT IS HEREBY STIPULATED by PME and the City, by and through their  
2 respective counsel, that:

3 This Court continue the stay in this action and continue the Case Management Conference to  
4 August 26, 2010.

5 GILCHRIST & RUTTER

6  
7 Dated: June 24, 2010

By: \_\_\_\_\_ /s/  
Thomas W. Casparian  
Attorneys for Plaintiff  
PALO MOBILE ESTATES ASSOCIATES

8  
9  
10 Dated: June 24, 2010

JARVIS, FAY, DOPORTO & GIBSON, LLP

11  
12 By: \_\_\_\_\_ /s/  
13 Benjamin P. Fay  
14 Attorneys for Defendant  
15 CITY OF EAST PALO ALTO

16 **ORDER**

17  
18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated: June 25, 2010

21  
22 Honorable Phyllis J. Hamilton  
23 Judge, United States District Court

24 J:\Clients\103 [E. Palo Alto]\010 (Palo Mobile Estates Complaint (Fed))\Plead\Stipulation and Order to Continue CMC 6-24-10.wpd